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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,926	03/24/2004	Yozo Tanaka	09792909-5818	5144

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EXAMINER	
SUTHERS, DOUGLAS JOHN	

ART UNIT	PAPER NUMBER
2614	

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03/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/807,926	TANAKA ET AL.	
	Examiner	Art Unit	
	Douglas J. Suthers	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 February 2010* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 5th, 2010 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 4 recite the limitation "the predetermined operation". There is insufficient antecedent basis for this limitation in the claim.

Claim 3/2/1 is rejected as being dependent on claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggers et al. (US 5692058) and Porambo et al. (US 5450624).

Regarding claim 1, Eggers discloses an audio apparatus comprising:

a tuner unit (figure 1, source B, items 12d, and 12e) for receiving a broadcast;

a digital reproducing unit (source A, item 11g);

an operating unit (interface of figure 1);

an amplifier unit configured to receive a signal from either the tuner unit or digital reproducing unit (figure 4, item 55); and

a control unit (control unit for system of figure 1) which switches between a first mode and a second mode in response a predetermined operation user input (button press) of the operating unit,

wherein,

in the first mode, the power to the digital reproducing unit is on while the tuner unit is on and receives the broadcast and sends the broadcast to the amplifier (source A CD and source B tuner sounding),

in the second mode, the power to the digital reproducing unit is inactive while the tuner unit is on and receives the broadcast and sends the broadcast to the amplifier (source B tuner sounding, source A muted or selecting source other than CD).

Although Eggers does not expressly disclose such, the examiner takes official notice that turning off sources such as CD players when not in use was well known in the art. The motivation to do so would have been to conserve power without reducing functionality. Therefore at the time of invention, it would have been obvious to one of ordinary skill in the art to turn off the CD player when it is inactive.

Eggers does not disclose using at least two predetermined user inputs.

Porambo discloses the use of at least two predetermined user inputs to change modes (input keys, column 4 lines 49-55).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the mode changing method of Porambo in the system of Eggers. The motivation for doing so would have been insure sources are not changed or muted unwantedly. Therefore, it would have been obvious to combine Porambo with Eggers to obtain the invention as specified in claim 1.

Regarding claim 4, although not expressly disclosed, the examiner takes official notice that using the same input sequence for entering and exiting a given was well

known in the art (pressing a power button for on, pressing again for off for example). The motivation to do so would have been to allow for an intuitive user interface. Therefore at the time of invention, it would have been obvious to one of ordinary skill in the art to further comprise wherein the predetermined operation for switching between modes is the same.

Regarding claim 5, Eggers discloses further comprising: a display unit for displaying information which indicates the current mode when said first mode and said second mode are switched by said control unit (position of switch 11i).

Regarding claim 6, Eggers discloses a method for controlling an audio unit comprising the steps of:

receiving a broadcast (figure 1, source B, items 12d, and 12e) and sending the broadcast to an amplifying unit (figure 4 item 55);

switching the audio unit between a first mode and a second mode in response to a predetermined operation of an operating unit (changing sources or muting CD);

activating or inactivating a digital reproducing unit based on the operational mode of the audio unit and in response to a predetermined user input (changing sources to and from CD on source A or muting source A via buttons).

Although Eggers does not expressly disclose such, the examiner takes official notice that turning off sources such as CD players when not in use was well known in the art. The motivation to do so would have been to conserve power without reducing

functionality. Therefore at the time of invention, it would have been obvious to one of ordinary skill in the art to turn off the CD player when it is inactive.

Regarding claim 8, Eggers discloses wherein, the digital reproducing unit reproduces digital data recorded on a recording media (CD), and the tuner unit receives at least a AM or FM broadcast (both AM and FM shown).

Regarding claim 9, Eggers discloses wherein, the predetermined operation for changing the control unit from said first mode to said second mode and for changing said control unit from said second mode to said first mode are the same (push button 11i once for mute, once more for un-mute).

Regarding claim 10, Eggers discloses further comprising the step of, displaying information indicating the current mode on a display unit when said first mode and said second mode are switched by said control unit (position of switch 11i).

Regarding claims 2 and 7, Porambo discloses the use of simultaneous operation of at least two input keys to change modes (column 4 lines 49-55).

Regarding claim 3, Eggers discloses wherein : the digital reproducing unit reproduces digital data recorded on a recording media (CD), and the tuner unit is receives at least an AM or a FM broadcast (both AM and FM shown).

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed February 10th, 2010 have been fully considered but they are not persuasive.

Applicant alleges claims 2-10 depend on claim 1, however claim 6 is also an independent claim and is assumed to be traversed in a similar manner.

Applicant alleges that claim 1 contains a display however such is clearly in reference to claim 5. Such only requires "displaying information which indicates the current mode" not "a message".

Applicant alleges Porambo only discloses "a single predetermined input" however Porambo clearly teaches simultaneous pressing of two buttons as found in claim 2.

The examiner would like to make it clear that the current wording of claims 1 and 6 are being interpreted by the examiner as switching from a first mode to a second mode, not necessarily requiring the ability to go from the second mode to the first mode.

In general the examiner urges the applicant to focus more on what is being switched rather than the user interface and signaling of the switching event. There are many differing user interfaces known in the art all at the preference of the designer, and many that may use two inputs from a user to make a selection. Some examples would

include in a rotary dial with a number of discrete selections rotating one click clockwise followed by another click clockwise, using a single "source" button to cycle through source audio options by repetitive pressing of the button, using a mouse to click on or keyboard to highlight a selection, then pressing and enter key.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Suthers whose telephone number is (571)272-0563. The examiner can normally be reached on Monday-Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas J Suthers/
Examiner, Art Unit 2614

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614